

THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appl. No. : 10/810,923 Confirmation No.: 9383
Appellants : Christopher J. Lehane et al.
Filed : March 26, 2004
TC/A.U. : 1725
Examiner : Maria Alexandria Elve

Docket No. : PA-085.10843-US(04-104)
Customer No. : 52237

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF
UNDER 37 C.F.R. § 41.37

Dear Sir:

In response to the Notification of Non-Compliant Appeal Brief mailed on May 22, 2008, having a period for response of one month or thirty days from the mailing date of the notification, whichever is longer, that is set to expire on June 22, 2008, please amend the appeal brief as follows:

Amendments to the Specification begin on page 2 of this paper.

Remarks/Arguments begin on page 3 of this paper.

Amendments to the Specification:

Please replace Status of the Claims on page 1 of 33 of the Appeal Brief filed on May 19, 2008 with the following:

STATUS OF CLAIMS

Claims 1-17, 19-27, 29-31, 33-40 and 42-45 are rejected and are on appeal. Claims 18, 28, 32 and 41 are cancelled without prejudice or devotion of the subject matter to the public. A true copy of the claims on appeal and cancelled as of March 19, 2008 is attached hereto in Appendix A.

Remarks/Arguments

Appellants filed an Appeal Brief on May 19, 2008 in the present application. Appellants received a Notification of Non-Compliant Appeal Brief on May 27, 2008. The Notification indicated the Brief did not contain a statement of status of all claims or did not identify the appealed claims. More specifically, the Brief did not include the status of cancelled claims 18, 28, 32 and 41 in the Status of Claims section. Appellants submit herewith an amendment of the section entitled Status of Claims section of the Appeal Brief filed on May 19, 2008. Appellants have amended the Status of Claims section to include the status of cancelled claims 18, 28, 32 and 41.

Appellants contend the Appeal Brief filed on May 19, 2008 complies with 37 C.F.R. § 41.37.

CONCLUSION

If any other fees are required in connection with this case, it is respectfully requested that they also be charged to Deposit Account No. 21-0279.

Respectfully submitted,

CHRISTOPHER J. LEHANE ET AL.

By /Ross J. Christie #47,492/
Ross J. Christie
Attorney for Appellant
Reg. No. 47,492
Tel. (203) 777-6628 x. 116
Fax. (203) 865-0297

Date: May 30, 2008